IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.630 OF 2005
IN
NOTICE OF MOTION NO.2405 OF 2004
IN
SUIT NO.1038 OF 2002

1. Kalpana Chetan Nisar & ors. Appellants
vs.
1. Valji Govindji Ashra & ors. Respondents

Ms.Rita Bhatia for the appellants.

Mr.A.C.Singh i/b. Mr.D.R.Shah for the respondent no.1.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 8th August 2005

P.C.

Heard.

2. The defendants 3 to 6 have come in appeal aggrieved by the impugned order whereby they have been directed to intimate to the plaintiff nature of third party interest created in the construction and right on the suit property and also names of the persons together with their addresses in whose favour third party interest have been created.

3. The Court having directed that third party interest, if any, created in the construction or land during the pendency of the suit shall be subject to the result of

the suit cannot be said to have erred in directing the defendants 3 to 6 to disclose the nature of third party interest and also names of the persons in whose favour third party interests have been created.

4. We, therefore, find no justifiable ground to entertain this appeal. The appeal is dismissed in limine. However, it is clarified that if upon disclosure of the names of the persons in whose favour third party interest have been created, the plaintiffs make any application for their impleadment, it will be open to the present appellants-defendants 3 to 6 and so also the third parties to contest such application on all available grounds amongst others that the said third parties are neither necessary nor proper parties.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)